

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

MARY CALLAWAY

PLAINTIFF

V.

CIVIL ACTION NO. 3:05-CV-47 WS

NATIONAL RAILROAD PASSENGER CORPORATION

DEFENDANT

FINAL JUDGMENT OF DISMISSAL WITH PREJUDICE

THIS CAUSE came on for trial on May 30, 2006, and all parties appearing in person and through counsel, having announced ready for trial, and issue having been joined, it was ordered that the trial proceed; whereupon, there came a jury composed of seven good and lawful citizens, who were duly impaneled and sworn to try the issues joined. Trial proceeded on May 30 and May 31 with the plaintiff resting her case on May 31, 2006. On June 1, 2006, prior to the commencement of the defendant's case-in-chief, the plaintiff, by and through counsel, moved *ore tenus* to dismiss this action with prejudice. The court, having considered the motion to dismiss and being fully advised of the premises, finds that the motion is well taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendant National Railroad Passenger Corporation shall be and hereby is fully and finally dismissed with prejudice. The clerk is hereby directed to enter final judgment in favor of defendant National Railroad Passenger Corporation.

SO ORDERED this the 21st day of June, 2006.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Jeremy L. Birdsall
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